

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES KILES,

Defendant.

CR. NO. S-99-0551 EJG
CIV. NO. S-06-1191 EJG

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN RAY PATTERSON,

Defendant.

CR. NO. S-99-0551 EJG
CIV. NO. S-05-0285 EJG

Co-defendants Charles Kiles, appearing pro se, and Kevin Ray Patterson, appearing through counsel, have filed separate motions to vacate, set aside or correct their sentences pursuant to 28 U.S.C. § 2255. Defendant Kiles' motion was filed June 1, 2006

1 and appears to raise 18 discrete claims. Defendant Patterson's
2 motion was filed February 14, 2005 and raises fourteen claims. On
3 April 22, 2005, the government filed a response to defendant
4 Patterson's motion, but addressed only the first four claims.
5 Defendant Patterson's motion has remained pending for more than a
6 year, while the court awaited both a supplemental response from
7 the United States to the remaining ten claims and a reply from
8 defendant Patterson. However, through administrative oversight,
9 the United States was not notified of the court's request for a
10 supplemental response. Nor, is it clear whether defendant
11 Patterson is still represented by counsel or is appearing pro se.

12 Accordingly, the United States is now directed to file a
13 response to defendant Kiles' § 2255 motion, addressing all 18
14 claims, as well as a supplemental response to defendant
15 Patterson's § 2255 motion, addressing the remaining 10 claims,
16 both responses to be filed and served within 30 days from the
17 filing date of this order. Defendants shall have 30 days from
18 the date of service of the response upon them to file a reply.
19 The motions will stand submitted upon receipt of the replies.
20 Failure to file a reply or to seek an extension of time to reply
21 within the time stated, will be deemed a waiver of the reply
22 brief.

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1 The Clerk of Court is directed to serve a copy of this order
2 on the following parties: defendant Patterson, defendant Kiles,
3 attorney Albert Sterwerf, and Assistant U.S. Attorney Stephen
4 Lapham.

5 IT IS SO ORDERED.

6 Dated: June 23, 2006

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8 /s/ Edward J. Garcia
EDWARD J. GARCIA, JUDGE
9 U. S. DISTRICT COURT
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